

**VERMONT RAIL COUNCIL
MINUTES OF MEETING
ASA BLOOMER BUILDING, ROOM 266
88 MERCHANTS ROW
RUTLAND, VERMONT
September 2, 2009**

MEMBERS PRESENT: Scott Rogers (Chairman)

John Cook	Rick Moulton
Dave Wulfson	Dave Allaire
George Barrett	Chris Andreasson
Charlie Moore	Charles Hunter
Mike Coates	Carl Fowler
Rep. Bill Aswad	Joann Erenhouse
Chris Martel	Eric Bohn

OTHERS PRESENT: David Dill, Secretary of Transportation
Charlie Miller, VTrans Rail Operations Section
Bob Atchinson, VTrans Rail Operations Section
Scott Bascom, VTrans
Jim McCarthy, VTrans
John Wilson, Jacobs Engineering
Michael Desrochers, Jacobs Engineering
MaryAnn Jakubowski, Castleton Depot, LLC
Mary Anne Michaels, VRS
Chris Parker, VRAN
Lee Khan, VRAN
Matt Levin, VCE
Tom Macaulay, Rutland Redevelopment Authority
Dave Crawford, Essex Junction Village Manager
Sawyer Joecks, Village of Essex Junction
Kevin Chittenden, Amtrak
Nancee Barney, Vermont Operation Lifesaver
Rep. Peg Andrews, Vermont Legislature Rutland
J. Jeffrey Munger, Sen. Sanders Office
Paul Craven, consultant
Arthur Whitman, Whitman's Feed
George Lerrigo, citizen
Joel Schwartz, Town of St. Johnsbury
Nat Trippe, Conn. River Joint Council
Robert Raffone, BCIC
Mark Blucher, RRPC
Allison Demag, RRAV
Sen. Bill Carris, Vermont Senate Rutland County
Rep. Bill Botzow, Vermont Legislature Bennington-1

Annette Smith, VCE
Dick Pembroke, citizen
Frank Rogers, PWRR
Wendy Rae Woods, United Way Bennington County
Lana Hauten, Manchester Designer Outlets
Sen. Bob Hartwell, Vermont Senate Bennington
Rep. Kathleen Keenan, Vermont Legislature St. Albans
Rep. Jeff Young, Vermont Legislature, St. Albans City
Jay Hathaway, Manchester Chamber of Commerce

1. Call to Order & Introductions

Scott Rogers called the meeting to order at 1:15 p.m. Introductions were made.

2. Comments & Questions – David Dill, Secretary of Transportation

David Dill referred to a handout outlining the Agency of Transportation FY2010 Budget and noted the level of excitement for rail at both the state and national level. It is hoped the dedicated level of federal funding for rail is seen in the future, said Secretary Dill. There is Congressional support for Amtrak. The President supports increased emphasis on a high speed rail system. The rail program is included in the stimulus package so it is felt the support from the President will continue. The national organization for transportation officials (ASHTO) expects to see dedicated rail funding and freight funding in the reauthorization. Revenues for rail in July were higher than expected, continued Secretary Dill, but August numbers were down. The State of Vermont structured transportation budget is largely dependent on federal funds. State funds are used so federal money is not left on the table. State funds are also used for non-federally funded programs. The FY10 budget is higher than past years because of stimulus funding (ARRA). Match money (to federal funds) includes \$3 million for the rail program. David Dill pointed out Rail receives the vast majority of remaining state funds.

Mike Coates mentioned the unique opportunity to provide matching funds on rail projects with private money which eliminates dependence on state and federal funds. The Bellows Falls Tunnel, Burlington Tunnel, and swing bridge in Alburgh are examples. David Dill agreed there are great initiatives with public/private partnerships with rail. The same incentives do not exist with highway.

Rep. Aswad asked if the welded rail that has been purchased will be installed and if there are plans to purchase more rail. David Dill confirmed the plan to install what has been purchased. More would have been purchased if the July forecast was \$800,000 more than last year (the \$3.2 million earmark would have been used with state money as match).

Dave Allaire suggested partnering with surrounding states to move projects forward as a way to help secure more federal funds. David Dill confirmed cooperation and a regional approach is a definite factor in the judging criteria for stimulus applications. The application from Vermont will include the New England vision to show integration of the state.

Matt Levin stated there is an effort to get rail issues on all governors' agendas and it is requested that Governor Douglas be asked to reach out to his colleagues to discuss the matter. David Dill noted the Canadian liaison is on board. As the New England vision materializes cooperation and discussion is anticipated. The New England vision includes the western corridor in Vermont (Burlington south through Bennington) and Massachusetts to White River Jct. (New England Central line). Carl Fowler pointed out Vermont supports rail with two Amtrak trains.

Carl Fowler asked about the turnover of staff in the Rail Division and the need to bring in people with the same expertise and excellence to keep the momentum going. Charlie Miller's contributions were recognized. David Dill assured key positions will be filled and there is the possibility of establishing another position in the Rail Division. Mr. Dill acknowledged the direction that has been established and promised to continue the push.

A question was asked about the impact on the western corridor if New York State pursues stimulus projects. David Dill explained there is potentially \$8 billion in stimulus funding for inter-city rail and over \$100 billion in applications. The western corridor is Vermont's top priority. Track and readiness strategy is an issue. The state decided to line up three pieces based on track and readiness. With Track 2 applications, the FRA is looking at what resources are being brought to the table, a regional approach, and an integrated rail program. Vermont will work with New York State on Track 3 applications. Concern was expressed that the Bennington area (southern Vermont area) is not considered as much as the northern part of the state. David Dill defined 'readiness' as basically having permits and agreements in place as well as complete design and plans so the project can out to bid for construction. Scott Rogers and Charlie Miller can provide more specific details on what is needed on the track south of Rutland.

Lee Khan asked if the Track 1, 2, and 3 applications are concurrently filed. David Dill stated applications for Track 1 and 3 have been submitted. The Track 2 deadline is October 2nd. It is hoped results from all submitted applications will be known by November. Chris Martel asked if more applications for Track 3 will be submitted. Mr. Dill pointed out the deadline has passed though there may be additional rounds of stimulus money for rail projects.

3. Approval of Minutes

June 3, 2009

MOTION by Dave Allaire, SECOND by Charlie Moore, to approve the 6/3/09 minutes as written. VOTING: unanimous; motion carried.

4. Demonstration of Locomotive Event Recorder (LER) and Video Camera

Nancee Barney, Executive Director of Vermont Operation Lifesaver, introduced Kevin Chittenden, Amtrak Operations Superintendent for trains in New York State and facilitator of the Grade Crossing Collision Investigation Course which trains people how to use locomotive event recorders (LER) in the investigation of rail accidents. LERs are synonymous with the black box in airplanes. Most automobiles are equipped with LERs as well. Railroads are routinely installing LERs on their engines regardless of

requirement. The LER cannot be tampered with by the crew. Only a qualified person can retrieve information from the recorder. Mr. Chittenden reviewed the evolution of the equipment (from paper tape to 8-track tape to digital) and the data provided (elapsed time, speed, horn blowing, load, automatic brake, power control switch, locomotive brake, throttle position). Video cameras are installed on most locomotives at this point in time. The camera uploads data via satellite to the operations center. The data can be viewed and communications sent to the train crew. Amtrak police work with police officers who take the course in order to learn how to handle rail accidents. A video of an actual grade crossing accident and the resulting data recorded by the LER was shown and discussed. The data show the location of the train at any point in time, the speed of the train when the horn was blown and when the emergency brake was applied as well as when the train stopped. In this incident the driver of the vehicle was cited for a traffic violation.

George Barrett asked if the train engineer is detained by police after an accident. Kevin Chittenden stated the police cannot automatically conduct breath tests on the train engineer. The rail manager has the authority to test and must be contacted because the railroad is private property, not a public highway.

5. Amtrak Report

Bob Atchinson reported Amtrak ridership and revenue numbers are higher than last year, but are slumping off. More advertising is planned. On-time performance though improved this year over last year is still an issue on some of the services. The contract for the upcoming fiscal year is being finalized with Amtrak. Carl Fowler pointed out the aggregate year-to-date for ridership shows an increase from 2008 to 2009 (passengers on the Vermonter in 2008 totaled 59,573 and in 2009 the number is 61,158; passengers on the Ethan Allen Express in 2008 totaled 34,450 and in 2009 the number is 34,741).

Mr. Fowler commented this year is the best fall foliage travel he has witnessed in the tourism trade over the past 25 years in the field.

6. Update on Amtrak Service to Castleton Depot

Charlie Miller reported discussion of parking and temporary platform arrangements are under discussion so service can start as soon as possible after Amtrak agrees to stop the train in Castleton. The code for the stop is in the Amtrak system. The timetable is complete and the stop will be included in the schedule. A fall date is the goal (to coordinate with students arriving to college). Amtrak felt there were so many construction delays on the Vermonter service that it was not worth including the stop in the timetable. The schedule was printed without the Vermonter service incorporated. This matter will be corrected. Carl Fowler noted the on-line timetable does not have current train service information. Mr. Fowler will forward information on this matter to Charlie Miller. Bob Atchinson stated the pocket schedule is accurate.

Positive comments were made about the appearance of the station. Mike Coates said the Castleton station has great potential and should be advertised. There was mention of bus connection to the area colleges. Charlie Miller assured there are many ongoing

discussions with the depot owners regarding advertising and promotion. Bob Atchinson said Marble Valley bus service has been contacted about the train stop.

7. Update on Ridership Increase Due to Low (\$12) In-State Special Fare

Bob Atchinson reported in May, 2009, only two people took advantage of the special fare. The number increased to nine people in June then went down to three people in July. The special fare will allow an individual to board the train in St. Johnsbury and ride to Brattleboro for only \$12 each way. The public is urged to take advantage of the promotion. It was suggested transportation providers for the elderly and disabled be contacted about the train promotional fare. Carl Fowler suggested representatives from the state attend the conference of the National Tourist Association and American Bus Association. Tour companies do use trains with their tour groups, said Mr. Fowler. Charlie Miller assured there is communication with the state Tourism & Marketing division.

8. Freight Report

Dave Wulfson, Vermont Rail Systems, reported traffic is down over the year, but the hope is recovery is occurring. Vermont Rail Systems is working with VTrans on track projects involving federal funding. Projects include tie work, FRA grant for the CLP, New York grant for the CLP, continuous welded rail installation and other track work. There appears to be more rail transport of lumber, oil, limestone, and salt. Also, there are tour trains in the state (\$12 fares) that should be added to the Amtrak promotion (could be a joint promotion). There is concern about the potential abandonment of 214 miles of track on the MM&A line which could impact track from Newport to Richford. Charlie Miller assured the state will be proactive in this matter. Joann Erenhouse asked how the potential abandonment of track impacts the state's proposal to spend \$8 million in stimulus funds on track between Newport and Richford. Charlie Miller clarified the track that may be abandoned is not part of the section where stimulus money will be applied.

Rick Moulton asked if there is a fall off in freight transport south of Rutland. Dave Wulfson said there has been more traffic on the south end of the line. Charlie Moore asked about the volume of freight to move on the Patriots Corridor. Mr. Wulfson said the corridor is for automotive and inter-modal transit. Frank Rogers can provide a better update.

Charles Hunter, New England Central Railroad, reported volume is off 30% over last year for NECR, but Canadian National is now running seven days a week into St. Albans. Four double stack cars have successfully traveled from southern New England to Canada. This router service is being aggressively marketed. Maintenance and capital projects for NECR are ongoing. A freight train tour from Montpelier to White River Junction was hosted on June 30, 2009 for Rail Council members, VTrans staff, and customers.

Mike Coates asked if the NECR rail improvement project is in the state program. Charles Hunter said the project is a budget item.

9. Passenger Rail Subcommittee Report

Charlie Moore reported the Passenger Rail Subcommittee discussed the Castleton Depot (outstanding job done with the site), on-time performance by Amtrak, stimulus funding, key vacancies in the Rail Division, connection to Montreal on the Vermonter, and “positive train control” by 2015 (FRA rule requiring control of trains by computerized dispatch system on lines where passenger trains operate). There was mention of the short lines applying for a waiver of the positive train control rule. Charles Hunter said NECR is working with Amtrak on a waiver or a compromise. Charlie Miller announced New Hampshire has organized a session on positive train control on September 14, 2009 and representatives from the FRA and Amtrak will be in attendance. Carl Fowler noted positive train control was a Congressional mandate to the FRA, but the expense to implement the system will be high and the system can be compromised.

10. Infrastructure Subcommittee Report

Mike Coates reported the Infrastructure Subcommittee received an update on progress on bridge maintenance. Bridge 215 is out to bid and will be under construction in a month. Bridge 219 is vital for OMYA and will be out for construction next year. The subcommittee is still waiting to receive the Garrahan Report. The subcommittee also discussed continuous welded rail installation and the NECR project, said Mr. Coates.

Scott Rogers stated VTrans agrees the NECR project is valid, but a funding source must be found. The earmarked funds are prioritized on the western corridor upgrade for passenger rail from Bennington to Rutland to Burlington.

Dick Pembroke mentioned the culvert in North Bennington which VTrans has been aware of since 1997. Dave Wulfson confirmed the culvert is being addressed.

Paul Craven pointed out the 2010 budget shows \$7.7 million in projects of which 10 projects are structures and each project must go through Contract Administration, but there is not an increase in the technical staff to handle the project load. Mr. Craven stressed the Rail Division must have the force needed to get the job done. Scott Rogers assured VTrans recognizes the situation and the need for engineers and technicians in the Rail Division. Consultants will be hired for technical work as necessary.

11. Update on Stimulus Package/Application

Scott Rogers reported the NECR rail improvement project has been moved to a Track 1 application. Track 2 application is on the north section due to more readiness. Track 3 application is on the south segment because the project will likely go to Track 2 in the second round of stimulus funding. Matt Levin interjected Vermont does not have to wait for Congress to put more money into the package to make the second round. Jeff Munger noted the first round includes half of the \$8 billion for rail. California has 52 projects on Track 1. There will be more money for high speed and freight rail. SAFETEA-LU expires in October, 2009. Other bills include significant funding for rail; \$8 billion is just the start. Actual applications submitted total nearly \$18 billion, but to have even 20% meeting all the requirement is unlikely. The amount of the applications for projects that are ready will likely be closer to \$3 billion. With Track 2 applications the money is

committed. The ASHTO Journal has up-to-date information. Charlie Miller reiterated the commitment of the current administration to rail.

Scott Rogers reviewed the Rail Stimulus Worksheet and the categories of Track 1, 2, and 3 applications. It is not known if money can or will be transferred to other projects. There was a question about the southern segments of the rail system being in a less prepared state than northern segments. Scott Rogers explained railroad agreements must be in place so a train could run if the rail were in existence. Charlie Miller further explained the state of readiness has to do with agreements with operating railroads that are not part of the area being improved. Track 3 grant is a joint application between New York and Vermont for the project on the southern western corridor (VTR, CLP, PAS, CPR). The scope of work includes the railroad agreements, identifying track improvements to be made, developing service plans acceptable to the railroad, and doing the national environmental process. The funds must be awarded first. There is a signed memorandum of understanding by the Secretary of Transportation with New York State to jointly contribute to the cost (\$250,000 each from Vermont and New York). Both states will work with the consultant to develop the agreements with the railroad and the service plan with Amtrak. There will be coordination of effort with VTrans, Amtrak and the consultant. An RFP will be done for the consultant.

Chris Martel asked if there are service agreements on the line to Montreal. Charles Hunter stated there are no agreements as yet, but a meeting with Amtrak and the Canadians is planned to determine what this will entail. Lt. Governor, Brian Dubie, will attend the meeting. Chris Martel mentioned the potential in the northeast kingdom of Vermont especially with the development and investment at Jay Peak and Burke Mountain. St. Johnsbury and Newport need help with downtown revitalization. There could be a train stop in each locale or bus service perhaps with the bus painted to look like Amtrak. Charlie Miller will discuss the idea with Amtrak. There are limited state funds for Amtrak though. Chris Andreasson calculated inter-city bus service will cost up to \$700 per day to fund. An overnight start/stop will cost more.

Carl Fowler asked about connecting south from the Castleton stop. Charlie Miller stated 40% of the revenue on the Ethan Allen Express is generated in New York State. When one train is run north and one train is run south on the Ethan Allen Express route the numbers are weak, especially down south, until additional frequency is added. The FRA feels the route of the Ethan Allen Express up the western side, Rutland into Burlington, should remain. To the south extending existing trains that go into Albany and Rensselaer is being considered. Joann Erenhouse observed ridership is greater on the New York side because people in Bennington drive to New York State to buy a ticket and board the train. If a ticket could be purchased and the train boarded on the Vermont side there would be more ridership. Mr. Miller noted Amtrak's model generates the ridership numbers. There is coordination with New York on the Track 3 application and it is felt the numbers can be generated without one state bearing the full burden. Applications are not partially funded. Carl Fowler commented additional frequencies appear to serve the southern portion of the state more intensely. There was a question as to how Vermonters

will benefit. Mr. Miller assured there will be more details once the service plan is defined.

12. Montreal to Burlington Amtrak Bus

Charlie Miller reported according to Brian Searles, General Manager of Burlington International Airport, discussions are ongoing with Greyhound for express bus service from the Montreal bus terminal to Burlington International Airport. Premier cannot operate as a common carrier in Canada.

13. Other Business

Vermont Rail Action Network Annual Meeting

Chris Parker announced an open invitation to the annual meeting of the Vermont Rail Action Network on September 30, 2009.

Focus Groups

Scott Rogers announced he will be forming two 7-member focus groups from the Rail Council to brainstorm on what the Rail Council does and how to improve.

Middlebury Rail Spur

The project remains a high priority. The Record of Decision has not yet been received.

14. Next Meeting/Agenda Items

Next Meeting: December 2, 2009 at 1 p.m. Location to be announced.

15. Adjournment

MOTION by Mike Coates, SECOND by George Barrett, to adjourn the meeting.

VOTING: unanimous; motion carried.

The meeting was adjourned at 4:08 p.m.

RScty: M.E.Riordan